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## **Minutes**

Radiation Advisory Board Meeting  
September 6, 2005  
James Madison Building conference Room 728  
109 Governor Street  
Richmond, VA 23219

**Members Present:** Lee S. Anthony, Sr., Ph.D., Panos P. Fatouros, Ph.D., Edway R. Johnson, and James Thornton, and Drexel Nelson Harris

**Members Absent:** Ted Sherwin, D.D.S., Robert Toal, D.V.M., Mary Ann Turner, M.D., and Andrew Boone, Jr.

**Ex Officio Members Present:** Carl Armstrong, M.D., representing the State Health Commissioner

**Staff Present:** Khizar Wasti, Ph.D., Director, Health Hazards Control; Leslie P. Foldesi, Director, Radiological Health Program; James deKrafft, Supervisor, Radioactive Materials Program; and Stan Orchel, Jr., Supervisor of the X-ray Machine Program

**Guests Present:** Terry Eastman

### **Call to Order**

Carl Armstrong called the meeting to order at 9:05 a.m.

### **Old Business**

Members were given an opportunity to ask questions regarding the NRC Agreement State discussion and presentation from the previous meeting. Edway Johnson had a question regarding why the power point presentation from the last meeting implies that the state assuming regulatory authority over this activity incurs additional liability for inadequate performance by licensees. The state has the same tools as NRC for requiring surety bonds for high risk licensees, and the ability to levy civil penalties. He also stated that there were no changes to the Advisory Board's recommendation to become an NRC Agreement state.

Members were asked how the regulated community would respond to the 30 percent surcharge over a three to four year transition. Lee Anthony responded that the hospitals would go along with the surcharge for the short term and the agency should be able to show a cost savings over a ten year period. The best approach for informing the hospitals is to get the support of the Virginia Hospital Association, and send letters to the CEOs of the hospitals. Lee Anthony offered to contact the 26 hospitals that he has worked with.

Drexel Harris suggested that a break down of the fees should be provided. James Thornton suggested that the surcharge would have minor impact on industry. In general the hospitals are paying the higher fees. Edway Johnson also supported sending letters to the licensees for a quick response and also to the Hospital Association. Panos Fatouros suggested

that it is not only about money, that the State is in a better position to provide services much quicker and streamline the bureaucracy.

When asked about the timing of requesting the Governor to send the letter of intent, the Advisory Board members were in agreement that it should be done now, recognizing that there may never be an ideal time. James Thornton suggested that the Letter of Intent should be in parallel with the marketing of Agreement State status with our licensees.

Lee Anthony suggested that licensees are not only provided projections of the cost of becoming an NRC Agreement state, but the projected increase in NRC fees as well.

#### **Summary and closing comments - Carl Armstrong, M.D.**

Dr. Armstrong summarized the members' comments and suggested the following actions:

1. Advisory Board's recommendation with respect to Virginia becoming an NRC Agreement State is to proceed.
2. The Letter of Intent form the Governor to the NRC should be forwarded in parallel with the marketing of the program with the Hospital Association and Hospitals
3. Input from the State Health Commissioner is needed with respect to the Letter of Intent
4. Meet with the Hospital Association
5. Draft letters to the licensees regarding the proposal
6. Face to face meeting with Radiation Advisory Board with a go/no go decision.

Dr. Armstrong deferred discussion of the impact from the Energy Bill until the next meeting. Dr. Armstrong asked what information the Advisory Board will need from the staff prior to the next meeting. The members expressed a desire to see the letter that will go out to the licensees. Dr. Armstrong offered to provide drafts of the letters by e-mail to the Advisory Board members. Dr. Fatouros suggested that the Virginia Chapter of the American College of Radiology be included on the list. James Thornton suggested a one-page document summary of cost/benefits be provided to the licensees.

#### **Other Comments:**

Lee Anthony suggested that the proposed regulations contain provisions for limiting patient dose, and stronger enforcement.

#### **New Business**

None

#### **Public Comments**

None

#### **Next Meeting**

Members were provided potential dates for the next meeting. A poll of the members participating in the telephone conference call revealed that they were all available for any of the suggested dates in November, specifically November 1, 2, 3, 4, 7, and 10.

#### **Adjournment**

The meeting adjourned at 10:00 am